IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 31435 of 2006(P)

PETITIONER:

DR.K.R.GOVINDA MALLAN,
AGED 69 YEARS, SON OF LATE A.RANGANATHAN MALLAN,
KUNDALLETTY SRI.RANGAM HOUSE,
S.L.PURAM P.O., 688 523, ALAPPUZHA DISTRICT.

BY ADV. SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
CIVIL STATION, ALAPPUZHA (CHAIRMAN, GREEN CHANNEL CLEARANCE BOARD, ALAPPUZHA).

2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
ALAPPUZHA (CONVENOR, GREEN CHANNEL CLEARANCE BOARD ALAPPUZHA).

3. KERALA STATE POLLUTION CONTROL BOARD,
REP. BY ITS ENVIRONMENTAL ENGINEER,
THONDANKULANGARA, THATHAMPILLY P.O.,
ALAPPUZHA-688 013.

4. MARARIKULAM NORTH GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
S.L.PURAM P.O., ALAPPUZHA-688 523.

5. SUSHMA SUGATHAN,
SUMESH BHAVAN, MAITHARA P.O.,CHERTHALA.

R1 & R2 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.
R3 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC.
R4 BY ADV.SRI.J.OM PRAKASH
R5 BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.31435 OF 2006

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DATED THIS THE 10TH OCTOBER, 2007

J U D G M E N T

The learned Government Pleader seeks time to file a statement on the basis of the instructions received from the 2nd respondent. But, in my opinion, since Ext.P7 representation is pending before the 1st respondent-District Collector who is the Chairman of the Green Channel Clearance Board under the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (Act 5 of 2000), the 1st respondent can be directed to take a decision on Ext.P7. Accordingly the Writ Petition will stand disposed of issuing the following directions:-

The 1st respondent will take up Ext.P7, issue notice to the petitioner and the 5th respondent, ascertain the views of respondents 2, 3 and 4 and take a correct decision, after hearing the petitioner and the 5th respondent. If the 1st respondent-Collector feels on the basis of the submissions addressed during hearing that it is necessary to direct the 3rd respondent to have a further inspection, the 1st respondent will not hesitate to direct such a further inspection, even before decision is finally taken on Ext.P7. The 1st respondent will ensure compliance with all the directions hereinabove given, at the earliest and at any rate

within two months of receiving copy of this judgment. Running of the factory by the 5th respondent will be subject to the final decision taken by the Collector on Ext.P7.

(PIUS C.KURIAKOSE, JUDGE)

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